

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BLUE SPIKE, LLC,**

*Plaintiff,*

**V.**

**TEXAS INSTRUMENTS, INC., *et al.*,**

***Defendants.***

**Civil Action No. 6:12-CV-499-LED**

## JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY IN RESPONSE TO  
DEFENDANT ADOBE’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Adobe Systems, Inc. (“Adobe” or “Defendant”) (Dkt. No. 310) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

## NATURE AND BASIS OF ACTION

1. Plaintiff admits the allegations of Paragraph 1.

## PARTIES

2. Plaintiff admits the allegations of Paragraph 2.
3. Plaintiff admits the allegations of Paragraph 3, upon information and belief.

## JURISDICTION AND VENUE

4. Plaintiff admits the allegations of Paragraph 4.
5. Plaintiff admits the allegations of Paragraph 5.
6. Plaintiff admits the allegations of Paragraph 6.

## JURISDICITON AND VENUE

7. Plaintiff admits the allegations of Paragraph 7.
8. Plaintiff admits the allegations of Paragraph 8.

9. Plaintiff admits the allegations of Paragraph 9.

**COUNT ONE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '175 PATENT**

10. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.

11. Plaintiff admits the allegations of Paragraph 11.

12. Plaintiff denies the allegations of Paragraph 12.

13. Plaintiff admits the allegations of Paragraph 13.

14. Plaintiff denies the allegations of Paragraph 14.

**COUNT TWO: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '494 PATENT**

15. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.

16. Plaintiff admits the allegations of Paragraph 16.

17. Plaintiff denies the allegations of Paragraph 17.

18. Plaintiff admits the allegations of Paragraph 18.

19. Plaintiff denies the allegations of Paragraph 19.

**COUNT THREE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '700 PATENT**

20. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.

21. Plaintiff admits the allegations of Paragraph 21.

22. Plaintiff denies the allegations of Paragraph 22.

23. Plaintiff admits the allegations of Paragraph 23.

24. Plaintiff denies the allegations of Paragraph 24.

**COUNT FOUR: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '472 PATENT**

- 25. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.
- 26. Plaintiff admits the allegations of Paragraph 26.
- 27. Plaintiff denies the allegations of Paragraph 27.
- 28. Plaintiff admits the allegations of Paragraph 28.
- 29. Plaintiff denies the allegations of Paragraph 29.

**COUNT FIVE: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '175 PATENT**

- 30. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.
- 31. Plaintiff denies the allegations of Paragraph 31.
- 32. Plaintiff admits the allegations of Paragraph 32.
- 33. Plaintiff denies the allegations of Paragraph 33.

**COUNT SIX: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '494 PATENT**

- 34. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.
- 35. Plaintiff denies the allegations of Paragraph 35.
- 36. Plaintiff admits the allegations of Paragraph 36.
- 37. Plaintiff denies the allegations of Paragraph 37.

**COUNT SEVEN: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '700 PATENT**

- 38. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.

- 39. Plaintiff denies the allegations of Paragraph 39.
- 40. Plaintiff admits the allegations of Paragraph 40.
- 41. Plaintiff denies the allegations of Paragraph 41.

**COUNT EIGHT: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '472 PATENT**

- 42. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.
- 43. Plaintiff denies the allegations of Paragraph 43.
- 44. Plaintiff admits the allegations of Paragraph 44.
- 45. Plaintiff denies the allegations of Paragraph 45.

**REQUEST FOR RELIEF**

Plaintiff denies that Defendant is entitled to any of the relief it requests.

**PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Respectfully submitted,

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***Counsel for Blue Spike, LLC***

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser